Canadian Telecommunications Regulation Bibliography

Bibliographie de la réglementation des télécommunications au Canada

H.N. Janisch
S.G. Rawson
W.T. Stanbury

Canadian Law Information Council
Conseil canadien de la documentation juridique

CANADIAN TELECOMMUNICATIONS REGULATION BIBLIOGRAPHY

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PREFACE

This bibliography grew out of our interest in telecommunications regulation and our sense of frustration at the lack of any single source as a starting point for research. We are persuaded that Canada has had, and continues to have, a rich experience in this area of regulation which may have been overlooked because there has been no systematic collection of source materials.

As with any new venture of this nature, we are aware that no claim can be made to comprehensiveness. Moreover, in view of the rapidity of developments in telecommunications it will soon be necessary to update and revise this publication. Any suggestions for improvements, missing entries and inaccuracies should be sent to Professor Hudson N. Janisch, Faculty of Law, University of Toronto, 78 Queen's Park Crescent, Toronto, Ontario, M5S 2C5.

This publication includes reference to all materials available to us to the end of 1986. For more recent developments the Canadian Regulatory Reporter (CRR) should be consulted. It is available from the Canadian Law Information Council, 5th Floor, 161 Laurier Avenue West, Ottawa, Ontario, K1P 5J2.

We wish to thank Lois Dyer, former Director of the Canadian Law Information Council, and Gregory Kane and members of the Council's Consultative Committee on the Regulatory Reporter for their encouragement and support. Claude Cyr, editor of the Regulatory Reporter, saw the bibliography through to publication, for which we are most thankful. Finally, we wish to thank Paulie McLeod in the Faculty of Commerce at the University of British Columbia, who did the word processing with outstanding skill and patience.

March 1987

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PRÉFACE

Cette bibliographie est née de l'intérêt que nous professons pour la réglementation en matière de télécommunications et du malaise que nous éprouvions devant l'absence d'une source documentaire complète pour l'orientation d'une recherche. Nous sommes convaincus que le Canada possède une riche expérience dans ce domaine de réglementation, expérience qui est peut-être passée inaperçue jusqu'à présent, faute d'une documentation de base bien organisée.

Nous sommes conscients que notre bibliographie, comme tous les ouvrages de cette nature, est loin d'être exhaustive. Vu la rapidité des progrès réalisés dans le domaine des télécommunications, nous savons aussi qu'il sera bientôt nécessaire de réviser cette publication et de la remettre à jour. Nous prions les lecteurs de bien vouloir adresser leurs suggestions visant l'amélioration de cette bibliographie, et à signaler les oublis et les inexactitudes qui auraient pu s'y glisser, au professeur Hudson N. Janisch, Faculté de droit, Université de Toronto, 78, Queen's Park Crescent, Toronto (Ontario) M5C 2C5.

Cette publication contient les références de tout le matériel documentaire auquel nous avons eu accès jusqu'à la fin de 1986. L'usager en quête d'une information plus récente devra se reporter au Recueil de jurisprudence administrative qu'il pourra obtenir auprès du Conseil canadien de la documentation juridique, 161 avenue Laurier ouest, 5e étage, Ottawa (Ontario) K1P 5J2.

Nous tenons à remercier de leur appui et de leur encouragement Lois Dyer, ancienne directeure du Conseil canadien de la documentation juridique, Gregory Kane, ainsi que les membres du comité consultatif du Recueil de jurisprudence administrative. Le Rédacteur du Recueil, Claude Cyr, a veillé à la publication de cette

bibliographie et nous lui en sommes très reconnaissants. Enfin, nous désirons remercier Mme Paulie McLeod de la Faculté de commerce de l'Université de la Colombie-Britannique, qui s'est occupée du traitement de texte avec toute la patience et la compétence que nous lui connaissons.

Mars 1987

H.N. Janisch
S.G. Rawson
W.T. Stanbury

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INTRODUCTION

The Canadian telecommunications industry has undergone a profound transformation in the past decade. A largely monopolistic industry structure has been transformed to one characterized by vigorous and sustained competition in a growing number of market segments. Regulation has, as a result, become far more fragmented and complex than it ever was under monopoly. Rate base-rate of return regulation has given way to an era of "regulated competition". In place of an occasional major rate case in which well-established accounting principles were applied in proceedings attended by a very small group of experts, telecommunications regulation now consists of a plethora of proceedings which seek to cope with an ever-widening array of social, economic and political issues. At the same time, there has been a growing awareness of the crucial importance of telecommunications in our economic and political life.

The reason why telecommunications must figure prominently as a national concern may be seen in its critical support role in our modern service-information-post industrial society. A 1984 study for the government of Ontario pointed out that almost half of Canada's gross domestic product was already attributable to information-related activities. The gross domestic product of the primary information economy (made up of industries producing information goods and services in a market context) grew from $20 billion in 1971 to $33 billion in 1982. Indeed, the primary information share of the total economy grew from 23% in 1971 to 28% in 1982 and had a rate of growth nearly twice that of the total economy. See entry 360. As Marcel Masse, the former federal Minister of Communications succinctly put it, "The telecommunications industry is a key infrastructure industry which provides services that are increasingly essential to one of the fastest growing sectors of the economy: the information-based service and high technology sectors." See entry 282.

Canada is, of course, not the only country subject to pressures for change. In Britain, telecommunications has been moved out of the Post Office into a commercial company, British Telecom, 51% of which was sold to the public in late 1984 in what was then the largest share offering ever (about $6 billion).[1] As well, Mercury Communications, a subsidiary of Cable and Wireless, has been licensed to provide competitive business and long distance service on its own separate facilities. See entries 693-96. In Japan, Nippon Telegraph and Telephone (NTT) is being moved out of the government sector and sold to the public on an incremental basis. The first share offering (12.5%) was oversubscribed by ten times.[2] In addition, competition is being allowed which both shares NTT facilities by way of value added networks and provides full facilities-based competition similar to that of Mercury in Britain. See entries in Subject Index under Section XI, Comparative Developments - Japan. Most significantly for Canada, the greatest change has come in the United States. There, the American Telephone and Telegraph Company (AT&T), once the world's largest company with $150 billion U.S. in assets and over one million employees, was broken up in 1982 as part of a drive to allow far greater competition in all facets of the telecommunications industry. See entries under Section X, U.S. Developments.

These changes, and many others elsewhere, have not come about as a result of national political ideologies favouring competition, but largely from the need to accommodate the demands of new information technology. In recent years the explosive convergence of computer and communications technologies has led to far greater diversity and to many new, enhanced services. See entries under Section IV, Technology. As the Science Council of Canada has recognized, this new technology must be described as "transformative" in that it

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1. In late 1986 British Gas was sold for about $10 billion - see Globe and Mail, November 22, 1986, p. B5.

2. Globe and Mail, February 10, 1987, p. B30.

forever changes the way we have done things and demands significant shifts in institutional structures. See entry 55. There is nothing to suggest that Canada will be able to avoid changes on a similar scale to those elsewhere. However, it is going to be significantly more difficult to bring about change here than elsewhere because of our highly diverse ownership patterns and inconsistent allocation of regulatory responsibility between federal and provincial regulatory authorities. The many entries under Section II, Regulation - Federal-Provincial Jurisdiction attest to these unique facets of the Canadian telecommunications industry and its regulation.

In the early 1970s the federal government undertook a full-scale inquiry into telecommunications. See entries 285-310. This led to two major policy statements (entries 311, 314) and to the introduction of comprehensive new legislation (entries 390-92). This proposed legislation was never passed into law, in part because of opposition from the provinces, and in part because it never adequately addressed the increasing importance of competition. While there has been but little rationalization or updating of the governing legislation, and no realignment of responsibilities between the federal and provincial governments, there has been much ad hoc regulatory change, particularly after responsibility for federal regulation was transferred to the Canadian Radio-television and Telecommunications Commission (CRTC) in 1976. For a critical assessment see entry 161.

Significant regulatory developments over the last decade include the completion of the Cost Inquiry, which may make it possible to allocate costs between monopoly and competitive services (entry 477); provision for competition in terminal equipment (entry 462) and in long distance data communications and private line voice (entry 446); inter-connection with radio common carriers (entry 468) and the introduction of cellular radio mobile telephone service on a competitive basis (entry 495). While full voice competition has not yet been allowed in long distance, resale and sharing have been approved (entry 480), along with competitive enhanced services (entry 472).

As well, the CRTC has recognized that with growing competition it will be necessary to cut back on regulation. See Section II, Regulation-Regulatory Forbearance.

This flurry of regulatory policy making has, at a time of growing recognition of the broader social and economic ramifications of telecommunications, raised substantial doubts as to the legitimacy of appointed bodies making decisions of great political import. This has led to a federal policy (not yet implemented) in favour of legislation authorizing the issuance of binding policy directives to the regulator. See, for example, entries 103, 111, 396, 397.

As well as these regulatory initiatives, the carriers themselves have sought to reorganize themselves so as to be more fully responsive to the changed environment in which they find themselves. For instance, in 1982 Bell Canada Enterprises was created, a move to which government and regulator have not yet fully responded. See entries 105, 282, 396, 397.

In the second half of the 1980s there has been a renewed surge of interest in the regulation of telecommunications. Solutions have now to be sought to issues recognized, but not resolved, in the 1970s. The highly charged issue of "rebalancing" long distance rates and the preservation of universal access to affordable telephone service is now an active item in federal provincial negotiations. See, for instance, entries 284, 340, 341. The critical constitutional issue of which level of government is legally entitled to regulate telecommunications is, at last, squarely before the Supreme Court of Canada. See entry 431. Substantial long distance rate reductions have recently been required of Bell Canada (entries 489, 494) and the contentious issue of whether the CRTC has legal authority to require that Bell Canada pay a $206 million rebate to its customers is before the Federal Court of Appeal. See entry 435. Finally, the federal government moved to privatize Teleglobe Canada, the national overseas telecommunications service provider,

in February 1987 for over $600 million.[3] See entries 117, 166, 672-75.

There will be need, in this period of profound change, for regulators, legislators, policy advisors and communications lawyers to have as much understanding as possible of the issues they confront. This selected bibliography and subject index, with its emphasis on recent developments and trends, seeks to respond to that need.

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3. Globe and Mail, February 12, 1987, pp. A1, A2; B1, B2.

INTRODUCTION

Pendant la dernière décennie, l'industrie des télécommunications canadiennes a subi de profondes transformations. Autrefois monopoliste, elle est marquée aujourd'hui par une concurrence vigoureuse, et son activité s'étend à des secteurs de marché dont le nombre ne cesse d'augmenter. De ce fait, la réglementation s'est beaucoup fragmentée tout en devenant infiniment plus complexe qu'elle n'était autrefois. La réglementation des bases tarifaires et des taux de rendement a donné le jour à une ère de "concurrence réglementée". À l'occasion d'audiences régulières en majoration tarifaire, l'on appliquait autrefois certains principes comptables reconnus auxquelles participaient un groupe d'experts restreint. Aujourd'hui, nous faisons face à une prolifération de règlements qui entraînent toute une série de procédures par lesquelles on cherche à régler, en nombre croissant, des questions sociales, économiques et politiques. En même temps, chacun se rend compte de l'importance cruciale des télécommunications dans la vie économique et politique de notre société.

La raison pour laquelle les télécommunications doivent tenir une place si importante dans notre conscience nationale est sans doute liée au rôle essentiel que celles-ci jouent dans notre société post-industrielle axée sur l'information et les services. Une étude effectuée en 1984 pour le gouvernement de l'Ontario avait observé que la moitié ou presque du produit intérieur brut du Canada était déjà attribuable à des activités d'information. Le produit intérieur brut de notre économie d'information primaire (constituée d'industries productrices de biens et de services d'information dans un contexte de marché) est passé de 20 milliards de dollars en 1971 à 33 milliards de dollars en 1982. En effet, la part de l'économie totale occupée par l'information primaire est passée de 23% en 1971 à 28% en 1982, soit un taux de croissance presque deux fois supérieur à celui de l'économie dans son ensemble. Se reporter à la référence 360. Comme l'avait souligné succinctement l'ancien ministre fédéral des Communications, l'honorable Marcel Masse: "D'une importance clé, l'industrie des télécom-

munications est une industrie d'infrastructure qui offre des services de plus en plus essentiels à l'un des secteurs économiques à forte croissance: les services basés sur l'information et la technologie de pointe." Se reporter à la référence 282.

Évidemment, le Canada n'est pas le seul pays soumis aux pressions du changement. En Grande-Bretagne, on a retiré aux Postes sa compétence en matière de télécommunications et celles-ci ont été confiées à une nouvelle société, la British Telecom, dont 51 % des actions ont été vendues au grand public à la fin de 1984, à la suite de la plus grande émission d'actions de l'histoire (environ 6 milliards de dollars).[1] De même, une filiale de Cable and Wireless, la société Mercury Communications, a été autorisée à offrir des services concurrentiels de communication interurbaine à partir de ses propres installations. Se reporter aux références 693 à 696. Au Japon, la société Nippon Telegraph and Telephone (NTT) se privatise graduellement en vendant ses actions au grand public. La première émission (12.5% des actions) a connue une sursouscription dix fois plus grande qu'il n'avait été anticipé.[2] Les sociétés concurrentes sont autorisées à partager les installations de la NTT par des réseaux avec valeur ajoutée, et elles peuvent en même temps offrir des services concurrentiels en se servant de leurs propres installations, comme le fait la société Mercury Communications en Grande-Bretagne. Se reporter à l'index des sujets, section XI, Comparaison des progrès réalisés - Japon. D'importance capitale pour le Canada, les changements les plus profonds se sont produits aux États-Unis. Dans ce pays, la American Telephone and Telegraph Company (AT&T), autrefois la compagnie la plus grande au monde avec un actif de 150 milliards de dollars US et un million d'employés, a été démantelée en 1982 pour

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1. À la fin de 1986, la société British Gas s'est vendue pour 10 milliards de dollars environ - voir le Globe and Mail, Livraison du 22 novembre, 1986, à la page B5.

2. Le Globe and Mail, 10 février 1987, p. B30.

permettre à l'industrie des télécommunications de devenir beaucoup plus compétitive sous tous ses aspects. Voir la section X, Progrès réalisés aux États-Unis.

Ces changements, comme beaucoup d'autres ailleurs, ne sont pas le résultat d'une idéologie politique nationale résolument orientée vers la concurrence, mais ils sont nés plutôt de la nécessité de tenir compte des exigences de la nouvelle technologie dans le domaine de l'information. Depuis quelques années, la convergence explosive de l'informatique et des communications a entraîné un foisonnement de services améliorés. Se reporter à la section IV, Technologie. Comme l'a reconnu le Conseil des sciences du Canada, les nouveaux moyens technologiques doivent être appelés "transformatifs", car ils modifient pour toujours la façon dont nous avons fait les choses jusqu'à présent. Ils nécessitent en effet des changements importants dans la structure de nos institutions. Voir la référence 55. Rien ne laisse penser que le Canada pourra éviter des changements semblables à ceux qu'ont subis les autres pays. Pourtant, il sera beaucoup plus difficile de changer les choses dans notre pays, à cause de la grande diversité des modèles de propriété d'entreprise dans le domaine des télécommunications, et en raison du manque d'uniformité dans la répartition des compétences entre les organismes de réglementation fédéraux et provinciaux. Les nombreuses références regroupées dans la section II, Réglementation - Compétences fédérale et provinciale, témoignent de cet aspect original de l'industrie canadienne des télécommunications et de sa réglementation.

Au début des années 70, le gouvernement fédéral a mené une enquête de grande envergure sur les télécommunications. Voir les références 285 à 310. Cette enquête a donné lieu à deux importants énoncés de politique (références 311 et 314) et au dépôt de nouveaux projets de loi (références 390 à 392). Ces projets de loi n'ont jamais été adoptés, d'abord, en raison de l'opposition des provinces, et puis, parce qu'on ne s'y était jamais préoccupé du problème de la concurrence dont l'importance allait grandissant. Bien que les efforts de réorganisation et de mise à jour des

lois applicables aient été peu nombreux, et même si la répartition des responsabilités entre le gouvernement fédéral et les provinces est restée la même, nous avons été témoins de nombreux changements ponctuels de la réglementation, particulièrement après 1976, lorsque la compétence en matière de réglementation fédérale est passée au Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC). On en trouvera une évaluation critique à la référence 161.

Parmi les progrès importants réalisés pendant la dernière décennie dans le domaine de la réglementation, on peut citer l'Enquête sur les coûts qui a permis de répartir les coûts entre les services monopolistiques et concurrentiels (référence 477); l'avènement de la concurrence dans le domaine des équipements terminaux (référence 462) et dans celui des communications interurbaines de données et des lignes téléphoniques privées (référence 446); l'interconnexion avec les radio-communicateurs (référence 468) et l'introduction, sur une base concurrentielle, du service radiotéléphonique cellulaire (référence 495). Bien qu'une concurrence complète n'ait pas encore été autorisée pour l'interurbain, la revente et le partage ont été approuvés (référence 480), de même que la concurrence dans le marché des services améliorés (référence 472). Vu la concurrence grandissante, le CRTC a reconnu la nécessité de diminuer le nombre des prescriptions réglementaires. Se reporter à la section II, Réglementation - Tolérance réglementaire.

En cette période de sensibilisation grandissante aux répercussions sociales et économiques des télécommunications, cette myriade de mesures réglementaires a fait naître des doutes quant à la légitimité du processus par lequel des organismes nommés prennent des décisions d'une grande importance sur le plan politique. Cette situation a entraîné l'adoption d'une politique fédérale (non encore mise en oeuvre) qui favorise l'adoption de lois permettant aux autorités compétentes d'imposer aux organismes de réglementation des directives d'application obligatoire. Se reporter, par exemple, aux références 103, 111, 396 et 397.

En plus de ces initiatives sur le plan de la réglementation, les transporteurs ont aussi, de leur côté, cherché à se réorganiser de manière à mieux tenir compte des nouvelles conditions dans lesquelles ils se trouvent. Par exemple, l'année 1982 voyait la création des Entreprises Bell Canada, initiative à laquelle le gouvernement et les organismes de réglementation n'ont pas encore fait connaître leurs réactions. Se reporter aux références 105, 282, 396 et 397.

Pendant la seconde partie des années 80, nous avons connu un renouveau d'intérêt pour la réglementation en matière des télécommunications. On s'attache à trouver des solutions aux problèmes qui avaient été identifiés, sans être réglés, pendant les années 70. Le problème brûlant du "rééquilibrage" des taux dans le service interurbain et l'universalité d'un service téléphonique abordable sont tous deux inscrits à l'ordre du jour des négociations entre le gouvernement fédéral et les provinces. Se reporter, par exemple, aux références 284, 340 et 341. La Cour suprême du Canada a enfin été saisie directement du problème critique à savoir quel niveau de gouvernement à la compétence constitutionnelle de réglementer le domaine des télécommunications. Se reporter à la référence 431. On a récemment exigé de Bell Canada des réductions importantes dans ses tarifs interurbains (références 489 et 494) et la Cour d'appel fédérale doit trancher la question: Le CRTC possède-t-il en droit l'autorité d'ordonner à Bell Canada de rembourser 206 millions de dollars à ses abonnés? Se reporter à la référence 435. Enfin, en février 1987, le gouvernement fédéral a privatisé, pour plus de 600 millions de dollars, Téléglobe Canada, une société de la Couronne qui assure les services de télécommunications outre-mer.[3] Se reporter aux références 117, 166, 672 à 675.

En cette période de transformations profondes, les organismes de réglementation, les législateurs, les conseillers politiques et les juristes spécialisés dans le domaine des communications verront la nécessité

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3. Globe and Mail, 12 février 1987, pp. A1, A2; B1, B2.

d'acquérir les meilleures connaissances possible des problèmes auxquels ils font face. Pour tenter de répondre à ce besoin, nous présentons cette bibliographie sélective suivie d'un index des sujets, qui porte surtout sur les progrès récents réalisés dans le domaine des télécommunications, et sur les tendances qui s'y font jour.

ABBREVIATIONS

AGT	Alberta Government Telephones
AT&T	American Telephone and Telegraph Company
BCE	Bell Canada Enterprises
BC Tel	British Columbia Telephone Company
CAMPUT	Canadian Association of Members of Public Utility Tribunals
CBTA	Canadian Business Telecommunications Alliance
CCPR	Canadian Competition Policy Record
CNCP	CNCP Telecommunications
CRR	Canadian Regulatory Reporter
CRT	Canadian Radio-television and Telecommunications Decisions and Policy Statements
CRTC	Canadian Radio-television and Telecommunications Commission
CSRI	Centre for the Study of Regulated Industries (McGill University)
CTCA	Canadian Telecommunications Carriers Association (now FCSA - Frequency Coordination System Association, since 1983)
DOC	Department of Communications (Federal)
DOJ	Department of Justice (U.S.)
ECC	Economic Council of Canada
FCC	Federal Communications Commission (U.S.)
IRPP	Institute for Research on Public Policy
ITU	International Telecommunications Union
LSUC	Law Society of Upper Canada (Ontario)
MTC	Ministry of Transportation and Communications (Ontario)
MTS	Manitoba Telephone System
MT&T	Maritime Telegraph and Telephone Company (Nova Scotia)
NB Tel	New Brunswick Telephone Company
NTIA	National Telecommunications and Information Administration (U.S.)
NTT	Nippon Telegraph and Telephone Company (Japan)
RTPC	Restrictive Trade Practices Commission
Sasktel	Saskatchewan Telecommunications
SCC	Science Council of Canada
TCTS	TransCanada Telephone System (Telecom Canada since 1983)

ABRÉVIATIONS

AGT	Alberta Government Telephone
AT&T	American Telephone and Telegraph Company
BCE	Entreprises Bell Canada Inc.
BC Tel	Compagnie de téléphone de la Colombie-Britannique
CAMPUT	Association des tribunaux des entreprises d'utilité publique du Canada
CBTA	Alliance canadienne des télécommunications de l'entreprise
CCPR	Canadian Competition Policy Record
CNCP	Télécommunications CNCP
CRR	(RJA) Recueil de jurisprudence administrative
CRT	Décisions et énoncés de politique du Conseil de la radiodiffusion et des télécommunications canadiennes
CRTC	Conseil de la radiodiffusion et des télécommunications canadiennes
CSRI	Centre d'études des industries réglementées
CTCA	Association canadienne des entreprises de télécommunications (maintenant FCSH - Association pour la coordination des fréquences, depuis 1983)
DOC	(MDC) Ministère des Communications - Canada
DOJ	Department of Justice (États-Unis)
ECC	(CEE) Conseil économique du Canada
FCC	Federal Communications Commission (États-Unis)
IRPP	Institut de recherches politiques
ITU	(UIT) Union internationale des télécommunications
LSUC	Société du Barreau du Haut-Canada
MTC	Ministère des transports et des communications de l'Ontario
MTS	Manitoba Telephone System
MT&T	Maritime Telegraph and Telephone Company Limited
NB Tel	New Brunswick Telephone Company Limited
NTIA	National Telecommunications and Information Administration (États-Unis)
NTT	Nippon Telegraph Telephone Company (Japon)

RTPC	(CPRC) Commission sur les pratiques restrictives du commerce du Canada
Sasktel	Saskatchewan Government Telephones
SCC	(CSc) Conseil des sciences du Canada
TCTS	(RTT) Réseau téléphonique transcanadiens (Télécom Canada depuis 1983)

I BOOKS, STUDIES AND SUBMISSIONS
(Ouvrages, études et mémoires)

1. Babe, R.E., Cable Television and Telecommunications in Canada: An Economic Analysis, East Lansing: Michigan State University Press, 1975.

2. Baggaley, Carman, The Lifeline Option: A Report on Residential Telephone Service in the U.S. and Canada, Ottawa, CAC, 1986.

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- Court considered question of standards to be observed in conducting "public hearing".
- Hearing to provide public with opportunity to participate in "meaningful" way.

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- CRTC's approach to discrimination upheld.
- Bell Canada cannot discriminate against a competitive mobile telephone service seeking access to its local switched network.

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- Potential liability of telephone company in tort for denying terminal attachments.

420. Re Alberta Government Telephones and Canadian Radio-television and Telecommunications Commission (1980), 114 DLR (3d) 64 (FCTD); (1980) 1 CRR C1.
- CRTC's jurisdiction to order production of information with respect to TCTS members upheld.

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- CRTC's approach to public interest determination of BC Tel's acquisition of GTE Automatic Electric (Canada) and Microtel Pacific upheld.

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- Scope of CRTC power to award costs held not to include expenses of Commission in retaining consulting firm.

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- Provincial Utilities Commission finding that terminal attachment would be detrimental to public service overturned.
- Court substitutes its judgment for that of regulatory commission.

424. Canadian Pacific Ltd. v. Telesat Canada (1982), 133 DLR (3d) 321 (Ont); (1982) 3 CRR 3-4.
- Authority of Telesat Canada to join TCTS upheld.

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- Whether Provincial Utility Board has authority to order interconnection with competing paging service.

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- Bell Canada reorganization did not amount to an "issue sale or disposition of stock" and CRTC approval was thus not required.

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- Where telephone company providing competitive services it is not obliged to file tariffs in advance.
- Director under Combines Investigation Act does not have right to appear before provincial tribunal.
- cf Hunter v. NBPUC (1984), 8 DLR (4th) 454 (NB CA); (1984) 5 CRR 3-3.
- Leave to appeal to Supreme Court of Canada granted in October 1984.

429. Hunter v. New Brunswick Board of Commissioners of Public Utilities (1984), 8 DLR (4th) 454 (NBCA); (1984) 5 CRR 3-3.
- Right of Director under Combines Investigation Act to appear before provincial tribunal upheld.
- cf Re TAS Communications Systems (1984), 2 DLR (4th) 647 (Nfld CA).

430. Re CNCP Telecommunications and Canadian Business Equipment Manufacturers Association (1985), 20 DLR (4th) 179 (FCA); (1985) 6 CRR 3-5.
- CRTC authority to set "floor prices" for terminal equipment upheld.

431. Re Alberta Government Telephones and Canadian Radio-television and Telecommunications Commission (1984), 15 DLR (4th) 515 (FC TD); (1984) 5 CRR 3-14; affm'd in part sub. nom. Re CNCP Telecommunications and Alberta Government Telephones (1985), 24 DLR (4th) 608 (FCA); (1985) 6 CRR 3-7; leave to appeal to the Supreme Court of Canada granted May 22, 1986.
- extent of federal jurisdiction over common carrier telecommunications.

432. Information Commissioner of Canada v. CRTC (1986), 1 FTR 317 (Fed TD); (1986) 7 CRR 3-5.
- CRTC materials held to be within ss. 21(1)(b) exception in Access to Information Act.

433. Wright v. Bell Canada Ontario Lawyers Weekly, June 20, 1986, p. 6.
- Small Claims Court finds Bell Canada liable for erroneous information given to plaintiffs which resulted in higher phone rates.
- Brunton v. Bell Canada, above, distinguished.

434. Bell Canada v. Consumers' Association of Canada (1986), 26 DLR (4th) 573 (SCC); (1986) 7 CRR 3-1.
- Scope of CRTC power to award costs to public interest interveners.

435. Bell Canada and CRTC, Originating Notice Under Section 28 of the Federal Court Act.
- Application to set aside Telecom Decision CRTC 86-17 (Rendered October 14, 1986).
- Dated October 23, 1986., No. A-646-86; see (1986) 7 CRR 2-65.

436. Pursuant to Section 14 of the Public Utilities Review Commission Act Relative to the Effect of Order in Council 1292/85, Court of Appeal for Saskatchewan, October 28, 1986.
- Limits placed on exercise of directive power by government - application of Laker Airways v. Department of Trade.

IX CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION DECISIONS
(Décisions du Conseil de la radiodiffusion et des télécommunications canadiennes)

437. Annual Report, 1977-.
- Contains a short summary of CRTC regulatory activity for the preceding year.

438. Regulatory Agendas, 1983-.
- A prospective review of CRTC regulatory activity included in the Regulatory Agendas, published biannually in May and November in Supplements to the Canadian Gazette Pt. 1.

439. Telecommunications Regulation - Procedures and Practices, Ottawa: CRTC, July 20, 1976.
- A statement of proposed practices and procedures issued by the Commission shortly after its jurisdiction was expanded to cover common carrier regulation.
- Commonly known as the "July Statement".
- See, as well, procedures adopted in Telecom Decision CRTC 78-4.

440. Telesat Canada, Proposed Agreement With TCTS, Telecom Decision CRTC 77-10, 3 CRT 265, August 24, 1977 (Varied by Order-in-Council PC 1977-3152 November 3, 1977).
- Commission denies application for approval of membership of Telesat in TCTS.
- Decision overturned by the Cabinet.

441. Challenge Communications Ltd. v. Bell Canada, Telecom Decision CRTC 77-16, 3 CRT 489, December 23, 1977 (Affirmed in Re Bell Canada and Challenge Communications Ltd. (1978), 86 DLR (3d) 351 (FCA)).
- Competition in provision of mobile telephone service.
- Principle established that telephone company must not only not discriminate between its customers, but also must not do so against a competitor seeking access to its local switched network.

442. Inquiry Into Telecommunications Carriers' Costing and Accounting Procedures, Telecom Decision CRTC 78-1, 3 CRT 524, Jan. 13, 1978.
- Phase I of Cost Inquiry, Accounting and Financial Matters, completed.
- Depreciation, Accounting Procedures, Deferred Taxes and Rate Base Determinations.

443. CRTC Procedures and Practices in Telecommunications Regulation, Telecom Decision CRTC 78-4, 4 CRT 104, May 23, 1978.
- Procedures adopted to apply to common carrier regulation following public hearings on "July Statement".
- See also entry 503
- And see Public Announcement "CRTC Telecommunications Rules of Procedure and Tariff Regulations," July 20, 1979 and SOR/79-554, July 27, 1979, CRTC Telecommunications Rules of Procedure, 1979 Canada Gazette, Pt. II, p. 2766.

444. Bell Canada - Increase in Rates, Telecom Decision CRTC 78-7, 4 CRT 313, August 10, 1978.
- General rate considerations.
- Saudi Arabia telephone project.
- Prices for Northern Telecom equipment (effects of vertical integration).
- First imposition of quality of service indicators.

445. Inquiry Into Telecommunications Carriers' Costing and Accounting Procedures, Telecom Decision CRTC 79-9, 5 CRT 80, May 8, 1979.
- Revision to certain Phase 1 Directives contained in Telecom Decision CRTC 78-1.

446. CNCP Telecommunications - Interconnection with Bell Canada, Telecom Decision CRTC 79-11, 5 CRT 177, May 17, 1979 (Affirmed in Order-In-Council PC 1979-2036, July 26, 1979).
- Bell Canada ordered to provide facilities for interconnection with CNCP with respect to data communications and private line voice service.
- Decision upheld by Cabinet.

447. Colins v. Bell Canada, Telecom Decision CRTC 79-14, 5 CRT 443, July 26, 1979.
- Bell Canada required to provide access to its local switched network to radio common carriers.

448. Inquiry Into Telecommunications Carriers' Costing and Accounting Procedures, Telecom Decision CRTC 79-16, 5 CRT 529, August 28, 1979.
- Phase II of the Cost Inquiry, Costing of New Telecommunications Services, completed.

449. B.C. Tel - Proposed Acquisition of GTE Automatic Electric (Canada) and Microtel Pacific Research, Telecom Decision CRTC 79-17, 5 CRT 585, September 18, 1979 (Affirmed Re Consumers' Association of Canada and BC Tel (1980), 118 DLR (3d) 748 (FCA)); (1980) 1 CRR C31.
- Commission approved acquisition.
- Vertical integration examined.
- Competitive bidding requirement adopted.

450. Bell Canada, Decrease in Rates for Two Party Residence Telephone Service, Telecom Decision CRTC 79-23, 5 CRT 707, November 29, 1979.
- Residence two-party service to be priced as a budget service.
- This would promote universal access in a non-discriminatory manner compatible with value of service pricing.
(See, as well, with respect to BC Tel, Telecom Decision CRTC 81-3, 6 CRT 600, January 29, 1981).

451. Bell Canada - Interim Requirements Regarding the Attachment of Subscriber-Provided Terminal Equipment, Telecom Decision CRTC 80-13, 6 CRT 203, August 5, 1980 (Affirmed in Order-In-Council PC 1981-1223, May 7, 1981).
- Commission prescribed interim terminal attachment requirements.

452. CNCP - Partnership Agreement and General Rate Increase, Telecom Decision CRTC 81-2, 6 CRT 578, January 14, 1981; (1981) 2 CRR 2-37.
- Commission approval of partnership between CNR and CP Communications Divisions to form CNCP Telecommunications.

453. Northwestel Inc. - General Increase in Rates, Telecom Decision CRTC 81-4, 6 CRT 668; (1981) 2 CRR 2-51. February 16, 1981 (Varied by Order-In-Council PC 1982-2579, October 8, 1982).
- General rate increase.

454. Bell Canada, BC Tel and Telesat Canada: Increases and Decreases in Rates for Services and Facilities Furnished on a Canada Wide Basis and Related Matters, Telecom Decision CRTC 80-3, 5 CRT 897, March 28, 1980; (1980) 1 CRR B19. (Affirmed Re Alberta Government Telephones (1980), 114 DLR (3d) 64 (FCTD)); (1980) 1 CRR C1.
- Commission insisted that documents on costs and revenue matters be distributed amongst parties to hearing.

455. Bell Canada, BC Tel and Telesat Canada: Increases and Decreases in Rates for Services and Facilities Furnished on a Canada Wide Basis and Related Matters, Telecom Decision CRTC 81-13, 7 CRT 716, July 7, 1981; (1981) 2 CRR 2-216. (Varied by Orders-In-Council PC 1981-2151, July 29, 1981, see (1981) 2 CRR 3-47); 1981-3382, November 26, 1981; 1981-3456, December 8, 1981; PC 1982-2558, October 8, 1982).

- Major review of role and operation of TCTS.
- Consideration of rate and revenue relationships amongst members of TCTS and membership of Telesat Canada in TCTS.

456. Bell Canada - General Increase in Rates, Telecom Decision CRTC 81-15, 7 CRT 851, September 28, 1981; (1981) 2 CRR 2-243. (Varied by Order-In-Council PC 1982-2350, September 22, 1982).

- Cost of service/rate of return ratemaking.

457. B.C. Tel - Interim Rates and Conditions Regarding the Attachment of Subscriber-Provided Terminal Equipment, Telecom Decision CRTC 81-19, 7 CRT 885, October 22, 1981; (1981) 2 CRR 2-280.

- Interim terminal attachment requirements for BC Tel.

458. Terra Nova Telecommunications - General Increase in Rates, Telecom Decision CRTC 81-20, 7 CRT 889, October 30, 1981 (Varied by Order-In-Council PC 1982-2580, October 8, 1982); (1981) 2 CRR 2-284.

- General rate increase.

459. CNCP Telecommunications: Interconnection With BC Tel, Telecom Decision CRTC 81-24, 7 CRT 906, November 24, 1981; (1981) 2 CRR 2-322.

- BC Tel ordered to provide interconnection to CNCP similar to that provided by Bell Canada under Telecom Decision CRTC 79-11.

460. CNCP Telecommunications - General Increase in Rates, Telecom Decision CRTC 81-26, 7 CRT 919, December 16, 1981; (1981) 2 CRR 2-371.
- General rate increase.

461. Quality of Service Indicators for Use in Telephone Company Regulation, Telecom Decision CRTC 82-13, 8 CRT 813, November 9, 1982.
- Quality of Service Indicators to be Applied to Federally Regulated Carriers.

462. Attachment of Subscriber-Provided Terminal Equipment, Telecom Decision CRTC 82-14, 7 CRT 848, November 23, 1982.
- Commission final decision in favour of competitive supply and attachment of terminal equipment.
- TAPAC certification standards.
- Participation in market by federally regulated carriers.

463. Report on the Proposed Reorganization of Bell Canada, CRTC, April 18, 1983.
- Commission required to examine proposed reorganization of Bell Canada by Order-In-Council PC 1982-3253, October 22, 1982.
- This report formed basis of Bill C-19, An Act Respecting the Reorganization of Bell Canada, 33rd Parl., 1st Sess., First Reading, December 20, 1984.

464. B.C. Tel - General Increase in Rates, Telecom Decision CRTC 83-8, 9 CRT 520, June 22, 1983.
- BC Tel general rate increase.
- Participation in terminal equipment market by way of division and not separate subsidiary criticized by Commission for creating possibility of cross-subsidy.

465. CNCP Telecommunications - Rates for the Provision of Interconnected Private Line Voice Services, Telecom Decision CRTC 83-10, 9 CRT 543, July 26, 1983.
- Price competition permitted in system competition.
- CNCP private line rates set 5-10% lower than Bell Canada's. - Value of service criteria still applied in competitive environment.

466. Vernon Business Services v. BC Tel, Telecom Decision CRTC 84-7, 9 CRT 1016, January 18, 1984.
- Quality of service.
- Commission disallowed a portion of a toll charged because of the poor quality of service provided.

467. Telesat Canada - Final Rates for 14/12 GHZ Satellite Services and General Review of Revenue Requirements, Telecom Decision CRTC 84-9, 9 CRT 1022, February 20, 1984; (1984) 5 CRR 2-32.
- Application to approve final rates for Telesat Canada.
- Commission rejected proposal for automatic approval of amended tariffs.

468. Radio Common Carrier Interconnection with Federally Regulated Telephone Companies, Telecom Decision CRTC 84-10, 9 CRT 1061, March 22, 1984; (1984) 5 CRR 2-30.
- Commission concludes that interconnection would be in the public interest both with respect to conventional mobile radio service and newer cellular radio service.

469. Bell Canada and BC Tel - Implementation of Decision Permitting Attachment of Subscriber-Provided Terminal Equipment, Telecom Decision CRTC 84-11, 9 CRT 1076, March 30, 1984; (1984) 5 CRR 2-26.
- Commission elaborates upon the terms of Telecom Decision CRTC 82-14 (terminal attachment) in the context of tariff filings by Bell Canada and BC Tel.

470. Implementation of Decision Permitting Attachment of Subscriber-Provided Telex and TWX Terminal Equipment, Telecom Decision CRTC 84-14, 10 CRT 461, April 27, 1984; (1984) 5 CRR 2-44.
- Commission elaborates upon the terms of 82-14 (terminal attachment) with respect to Telex and TWX access and equipment charges.

471. Report of the Inquiry Officer With Respect to the Inquiry into Telecommunications Carriers' Costing and Accounting Procedures, CRTC, April 30, 1984 (Kenneth Wyman, Inquiry Officer).
- First stage of Phase III, Costing of Existing Services, completed.

472. Enhanced Services, Telecom Decision CRTC 84-18, 10 CRT 486, July 12, 1984; (1984) 5 CRR 2-51.
- Regulatory policy respecting provision of "enhanced" services by federally regulated carriers and other parties.

473. Cellular Radio Service, Telecom Decision CRTC 84-29, 10 CRT 890, December 19, 1984; (1984) 5 CRR 2-76.
- Commission follows up on Telecom Decision CRTC 84-10, settling remaining points of contention between parties.

474. Re Use of Automatic Dialing - Announcing Devices, Telecom Decision CRTC 85-2, 10 CRT 908, February 4, 1985; (1985) 6 CRR 2-6.
- Restrictions placed on telephone solicitation.
- Minority would ban automatic dialing devices.

475. Association of Competitive Telecommunications Suppliers v. Bell Canada and BC Tel, Telecom Decision CRTC 85-4, 10 CRT 912, February 18, 1985; (1985) 6 CRR 2-3.
- Commission denied request for order requiring disclosure of documents pertinent to sale of terminal equipment.
- Abridged version of documents ordered disclosed.

476. B.C. Tel - Applications Regarding Access to U.S. Discount Long Distance Telephone Services and Rate Restructuring, Telecom Decision CRTC 85-7, 11 CRT 553, April 4, 1985; (1985) 6 CRR 2-16.
- BC Tel allowed to restructure rates in response to discount service providers such as CAM-NET.
- Commission would not permit BC Tel to deny service to cross-border resellers.

477. Inquiry Into Telecommunications Carriers Costing and Accounting Procedures, Telecom Decision CRTC 85-10, 11 CRT 628, June 25, 1985; (1985) 6 CRR 2-24.
- Phase III of Cost Inquiry, Costing of Existing Services, completed.
- Conclusion of the Cost Inquiry originally commenced in 1972.

478. BC Tel - Portable Communications Division, Telecom Decision CRTC 85-15, August 7, 1985; (1985) 6 CRR 2-47.
- BC Tel's request for forbearance from mobile service tariff regulation rejected.
- Inadequacy of structural safeguards in face of possibility of cross-subsidies.

479. Identification of Enhanced Services, Telecom Decision CRTC 85-17, August 13, 1985; (1985) 6 CRR 2-51.
- Elaboration of definitions and differentiation of "enhanced" services previously established under Telecom Decision CRTC 84-18.

480. Interexchange Competition and Related Issues, Telecom Decision CRTC 85-19, August 25, 1985.
- CNCP application to provide competing public long distance service denied.
- Resale and sharing addressed.
- Rate rebalancing considered and further proceedings outlined.

481. Bell Canada and BC Tel - Participation in Multiline and Data Terminal Market, Telecom Decision CRTC 86-5, March 20, 1986; (1986) 7 CRR 2-15.
- Costing favoured over structural separation (separate subsidiaries).

482. Telesat Canada - Earth Station Services, Telecom Decision CRTC 86-6, March 24, 1986.
- Telesat Canada need not continue filing earth station tariffs in view of liberalization which had created a competitive environment.

483. Review of the General Regulations of the Federally Regulated Terrestrial Telecommunications Common Carriers, Telecom Decision CRTC 86-7, March 26, 1986; (1986) 7 CRR 2-17.
- Revised General Regulations governing the federally regulated telephone companies.

484. Telesat Canada and Bell Canada - Amendments to Connecting Agreement Between Telesat Canada and Telecom Canada, Telecom Decision CRTC 86-9, May 8, 1986; (1986) 7 CRR 2-32.
- Amendment to Connecting Agreement approved which will allow Telesat Canada to deal directly with users of satellite services.
- Telecom Canada's guarantee of Telesat Canada's return to be wound down.

485. City of Edmonton - Interconnection Arrangements Between edmonton telephones and CNCP Telecommunications, Telecom Decision CRTC 86-10, May 13, 1986; (1986) 7 CRR 2-29.
- Application requiring CNCP to provide interconnection refused.
- Commission rules that terms of interconnection be negotiated.

486. Bell Canada - Destandardization and Withdrawal of Mobile Telephone Service, Telecom Decision CRTC 86-14, July 31, 1986; (1986) 7 CRR 2-41.
- Application to discontinue MMTS and AMTS mobile services in the face of cellular radio competition denied.
- Bell Canada directed to respond with tariff revisions.

487. CNCP Telecommunications - Application to Review and Vary Telecom Decision CRTC 82-14 (Attachment of Terminal Equipment), Telecom Decision CRTC 86-15, August 5, 1986; (1986) 7 CRR 2-41.
- Application with respect to terminal equipment price regulation rejected.

488. Support Structures and Related Matters, Telecom Decision CRTC 86-16, August 15, 1986; (1986) 7 CRR 2-43.
- Commission applies costing and accounting principles from Phases II and III of cost inquiry to tariffs for support facilities provided by telephone companies to cable television operators.

489. Bell Canada - Review of Revenue Requirements for the Years 1985, 1986 and 1987, Telecom Decision CRTC 86-17, October 14, 1986; (1986) 7 CRR 2-53.

- Broad ranging decision examining, inter alia, service quality and access, revenue, expenses, intercorporate transactions, subsidiary investment and rate of return.
- Particularly noteworthy for commission orders respecting compensation for Bell employees transferred to Saudi Project, one time subscriber credit (rebate) for "excess" revenues ($206m for '85,'86), 20% reduction in intra-company long distance rates, designed to reduce company revenues for '87 by $234m. (Now subject to appeal to the Federal Court of Appeal.)

490. CNCP Telecommunications - Application to Review and Vary Telecom Decision CRTC 85-19, Telecom Decision CRTC 86-18, October 31, 1986; (1986) 7 CRR 2-59.

- Application denied.
- Role of Commission upon review application reconsidered.

491. BC Tel - Proposed Changes to Telecommunications Equipment Purchasing Procedures, Telecom Decision CRTC 86-19, November 10, 1986; (1986) 7 CRR 2-71.

- Commission rejects BC Tel application for permission to terminate practice of soliciting competitive tenders for equipment purchases.
- Commission not convinced that BC Tel/Microtel Ltd. relations include sufficient public safeguards.

492. BC Tel - Destandardization of Radio Toll Station Service and Provisioning Changes for Mobiltel Radiotelephone Service, Telecom Decision CRTC 86-20, November 21, 1986; (1986) 7 CRR 2-69.
- Commission refuses to approve BC Tel application for permission to destandardize or withdraw its mobiltel service, directs BC Tel to file new rates, and expresses interest in reviewing situation at end of 1988.
- For related decision see Telecom Decision CRTC 86-14, July 31, 1986.

493. SED Systems v. Telesat Canada, Bell Canada, British Columbia Telephone Company, Northwestel Inc. and Terra Nova Tel, Inc., Telecom Decision CRTC 86-21, November 28, 1986.

494. Bell Canada - Application to Review Telecom Decision CRTC 86-17, Telecom Decision CRTC 86-22, December 18, 1986.
- CRTC rejects Bell Canada's application to review Decision 86-17, in respect of customer rebate and intra-company long distance rate discount.

495. Cellular Radio Service, Telecom Public Notice 84-55, October 24, 1984; (1984) 5 CRR 1-20.
- Commission's approach to licensing of competitive national cellular radio services outlined.

496. Tariff Revisions Related to Resale and Sharing, Telecom Public Notice 86-42, July 3, 1986; (1986) 7 CRR 1-25.
- Commission's approach to resale and sharing, follow up to Telecom Decision CRTC 85-19.
- Only "facilities-based" and not "service based" competition to be allowed.

497. Inquiry Into Telecommunications Carriers Costing and Accounting Procedures - Order and Guidelines for the Filing of Phase III Manuals by Bell Canada and BC Tel, Telecom Order CRTC 86-516, August 28, 1986; (1986) 7 CRR 2-56.

- Follow up on Telecom Decision CRTC 85-10.

498. Bell Canada - Application to Vary Parts of Common Carrier Terms of Service (Telecom Decision CRTC 86-7, March 26, 1986); (1986) 7 CRR 2-17; Telecom Order 86-593, September 22, 1986.

- Application granted with respect to confidentiality.

499. Bell Canada - Provision of 976 Service, Telecom Order CRTC 86-594, October 2, 1986; (1986) 7 CRR 2-52.

- Commission approval for tariff amendment permitting Bell Canada to refuse to provide 976 service to sponsors proposing a service contrary to law.

500. CNCP Telecommunications - Application for Exemption from Certain Regulatory Requirements, CRTC Telecom Public Notice 1986-64, October 24, 1986; (1986) 7 CRR 1-30.

- CNCP Application requesting orders from CRTC exempting CNCP from tariff and costing requirements citing competitive pressures and alternative reporting practices as sufficient safeguards.

501. Bell Canada - Application to Stay Telecom Decision CRTC 86-17

- By letter dated November 24, 1986 from Office of Secretary General, the Commission denied Bell Canada's request for a temporary Stay of Execution in respect of the Commission's orders in Decision 86-17 pending a decision by the Federal Court of Appeal on the matter (see (1986) 7 CRR 2-65).

502. Telesat Canada - Earth Station Services

- By letter dated December 2, 1986 the Secretary General of the CRTC announced that there will be no maximum allowable return on equity for Telesat earth station services, such limit being unnecessary given competitive nature of market, (1986) 7 CRR 1-40.
- Telecom Decision CRTC 86-6 varied accordingly (1986) 7 CRR 2-19.
- Commission grants SED application for orders facilitating use of customer provided satellite station equipment for access to switched telephone network for private line service.

503. CRTC Act, National Transportation Act, CRTC Rules of Procedure, Amendment, Canada Gazette, Part II, Vol. 120, No. 17, p. 3354 (August 20, 1986).

- Amendments to CRTC Telecommunications Rules of Procedure.
- See entry 443.

504. Amendments to Railway Act - Imposition of Fees, CRTC Telecom Public Notice 1986-75 (December 24, 1986); (1986) 7 CRR 1-39.

- CRTC proposes to enact a regulation empowering the Commission to impose fees upon applicant companies (regulations of this type provided for pursuant to Bill C-4, An Act to Amend the Railway Act, which received Royal Assent December 19, 1986).

X PROVINCIAL BOARD DECISIONS
(Décisions des organismes provinciaux)

(i) Alberta
Alberta Public Utilities Commission

505. Alberta Government Telephones - Government Discount, (1980) 1 CRR B39, Decision No. E80073, May 23, 1980.
- Board refused approval of tariff granting provincial government a 35% discount on rates.

506. Telecommunications Inquiry, (1980) 1 CRR B182, Order No. E80 111, September 1, 1980.
- Inquiry established to provide a framework for the regulation of all non-broadcasting telecommunications services under provincial jurisdiction.

507. Alberta Government Telephones - General Rate Increase, (1981) 2 CRR 2-359, Decision No. E81220, November 16, 1981.
- Matters deals with included service prices, costs and rate relationships.

508. Alberta Government Telephones - Interim Rate Increase, (1983) 4 CRR 2-27, Order E-83060, March 15, 1983.
- Board set out standards by which to evaluate an interim rate increase application.

509. Alberta Government Telephones - Voice Terminal Equipment - Partial Deregulation, (1983) 4 CRR 2-71, Order No. E83125, September 27, 1983.
- Board allowed removal of basic voice terminal equipment from regulated tariffs.
- Multi-line equipment still subject to some regulatory supervision.

510. Re Alberta Government Telephones, (1985) 6 CRR 2-32, Decision Nos. E85010, E85046, January 18, April 11, 1985.
- Company required to submit a schedule of tariff reductions as a result of a revenue excess of $40 million in 1984.

(ii) **British Columbia/Colombie-Britannique**
British Columbia Lieutenant Governor in Council

511. Cable Television Systems - Required Certificate for Non-Broadcast Signals, Order-In-Council No. 194, February 1, 1982.
- Direction required cable systems to obtain a certificate of public convenience and necessity prior to offering non-program services.

(iii) **Manitoba**
Manitoba Public Utilities Board

512. Re Public Utilities Board Act, (1985) 6 CRR 2-20, Order No. 56/85, March 20, 1985.
- Board set out factors governing award of costs to interveners.

513. Re Manitoba Telephone System, (1986) 7 CRR 2-33, Order No. 73/86, April 18, 1986.
- Interim approval of introduction of flat rate, pre-paid bulk intra-provincial toll service.

514. Re Manitoba Telephone System Applications to Amend General Tariff to Include Discount Packaging Concept, (1986) 7 CRR 2-45.
- Board approval granted for application by MTS to provide "discount rates" as part of general tariff.

515. Manitoba Telephone System Application, (1986), 7 CRR 2-20, Order No. 59/86.
- Lifeline rates rejected as discriminatory.

(iv) **New Brunswick/Nouveau Brunswick**
New Brunswick Board of Commissioners of Public Utilities/Commission des Services d'Utilité Publique

516. Re New Brunswick Telephone Company, (1985) 6 CRR 2-53, September 6, 1985.
- Agreement to 50% reduction in long distance service charges as requested by Coordinating Council on Deafness.

517. Re New Brunswick Telephone Company, (1986) 7 CRR 2-22, February 25, 1986.
- Board required company to apply $2 million revenue surplus to reduce residential service revenue contributions.

518. Re Interconnection in the Telecommunications Industry in New Brunswick, (1986) 7 CRR 2-34, June 16, 1986.
- Board ordered implementation of single and multi-terminal attachment.
- Terms of reference announced for future consideration of system interconnection and other interconnection issues.

(v) **Newfoundland/Terre-Neuve**
Newfoundland Board of Commissioners of Public Utilities

519. Newfoundland Telephone - Rates, Rate of Return and Other Matters, (1980) 1 CRR B185, Decision No. P.U. 19, September 5, 1980.
- Board considered a wide range of cost of service ratemaking topics and participation by the telephone company in TCTS.

(vi) **Nova Scotia/Nouvelle-Écosse**
Nova Scotia Board of Commissioners of Public Utilities

520. Maritime Telephone and Telegraph Limited - Rate of Return Determination, (1981) 2 CRR 2-5, Order No. MT-1373, January 15, 1981.
- Preferred decision procedures for arriving at rate of return calculations.

521. Air Page Communications - Application for Interconnection With Maritime Telephone and Telegraph, (1981) 2 CRR 2-150, Order No. TG-2, May 11, 1981. (Affirmed MT&T v. Air Page Communications (1982), 137 DLR (3d) 68 (NS CA)).
- Interconnection of radio common carrier approved.

522. Maritime Telephone and Telegraph - General Rate Increase and Accounting Matters, (1981) 1 CRR 2-175, Order No. MT-1407, May 28, 1981.
- Board considered application which introduced new accounting method and rate relationships.
- Interest expressed in new regulatory body to adequately supervise TCTS.

523. Re Maritime Telephone and Telegraph Limited, (1984) 5 CRR 2-87, Order No. MT-1438, November 28, 1984.
- Tariff revisions providing expanded opportunities for customer terminal equipment attachment approved.

524. Re Maritime Telephone and Telegraph Limited, (1985) 6 CRR 2-34, Order No. MT-1551, June 20, 1985.
- Board approved application for freedom to enter market for multiline terminal equipment sales subject to filing of cost/price information.

525. Re Maritime Telephone and Telegraph Limited, (1986) 7 CRR 2-22, Decision No. MT-1604, December 23, 1985.
- Requested rate increases for multi-line equipment denied.
- Request to sell or lease in place multi-line equipment denied.

526. Re Motorola Ltd. (1986) 7 CRR 2-62, Decision MT-1603, June 9, 1986.
- The Board approved Motorola's application to interconnect its trunked radio system to the public switched network of MT&T.

(vii) Ontario

Ontario Telephone Service Commission

527. Community Telephone Company of Ontario - Sale of Assets to Bell Canada, (1980) 1 CRR B28, Order No. 76/80, April 8, 1980.
- The Commission articulated the criterion of public interest to be applied in granting approval to such transactions.

528. Amtelecom Ltd. - Rate Increase, (1981) 2 CRR 2-240, Order No. 4067, August 27, 1981.
- The Commission decision includes discussion of the principal features of cost of service ratemaking, examples of rate base, rate of return and cost of capital issues.

529. Roxborough Telephone Co. - Rate Increase Application, (1981) 2 CRR 2-277, Order No. 4074, September 16, 1981.
- The applicant was originally denied approval for a rate increase, but was granted a rehearing in which the applicant persuaded the Commission that a rate increase was appropriate.

530. W.C. Smith Incorporated - Terminal Attachment Application, (1981) 2 CRR 2-302, Order No. 4078, October 29, 1981.
- Example of Commission consideration (and approval) of individual application for permission to attach customer-provided equipment.

531. Uniform System of Accounts, (1982) 3 CRR 2-110, Order No. 4187, November 3, 1982.
- The Commission introduced a uniform system of accounts to be employed by the telephone companies under its jurisdiction by January, 1984.

532. Interim Policy On Terminal Attachment, (1982) 3 CRR 2-116, Order No. 4188, November 18, 1982.
- The Commission authorized the interconnection of terminal equipment on an interim basis (final authorization following CRTC Telecom Decision 82-14).

533. Northern Telephone Ltd., Rate Increase and Other Matters, (1983) 4 CRR 2-19, Order No. 4198, January 18, 1983.
- The Commission discussed costing and accounting procedures in the course of granting the sought for rate increase.

534. Interconnection (Terminal Attachment), (1983) 4 CRR 2-86, Order No. 4276, December 15, 1983.
- Commission sets out guidelines for terminal equipment attachment, grants permission for such interconnection respecting those companies subject to its jurisdiction.

535. Re Northern Telephone Limited, (1985) 6 CRR 2-7, Order No. 4537, December 21, 1984.
- The Commission permitted Northern Tel to raise rates for local service by 7%, sufficient to result in a 16% return on equity.

536. Re Amtelecom Incorporated, (1985) 6 CRR 2-53, Order No. 4701, July 19, 1985.
- Commission approved tariff revision for long distance directory assistance for customers making heavy use of such service.

537. Ontario Telephone Systems - Application for Service Charge Reductions for Speech and Hearing Impaired Customers, Order No. 4917, October 20, 1986
- Commission approves application of Bruce Telephone System to offer 50% reduction for speech and hearing impaired customers using TDD/TTY equipment
- warranted, not undue, discrimination
- order applicable to all telephone systems subject to Ontario Commission's jurisdiction.

538. Re Thunder Bay Telephone, (1985) 6 CRR 2-77, Order No. 4753, November 18, 1985.
- The Commission set out the principles according to which an interconnection charge for CNCP should be assessed.

539. Telephone System of the Municipality of Coldwater - Application for Approval of Sale, Order No. 4934, December 19, 1986
- Commission approves sale of local system, discusses criteria to be applied in granting approval.

(viii) Prince Edward Island/Ile-du-Prince-Edouard
Prince Edward Island Public Utilities Commission

540. Application by Garden of the Gulf Court and Motel Ltd., (1980) 1 CRR B44, July 23, 1980 (Reversed - see Re Garden of the Gulf Court and Motel Ltd. and Island Tel (1982), 126 DLR (3d) 281 (PEI SC)).

541. Re Island Telephone Company Limited, (1984) 5 CRR 2-89, March 29, 1984.
- The Commission considers the meaning of "fair rate of return".

(ix) Québec
Régie des services publics du Québec

542. Télébec Ltée et Les Lignes Kébec Inc., (1981) 2 CRR 2-8, Order No. 9576, January 20, 1981.
- The Board examined the criteria according to which the acquisition of a telephone company by another such company may be approved in the public interest.

543. Interconnection Study, Recommendations, (1981) 2 CRR 2-289, September 30, 1981.
- The Board adopted the recommendations of a study by the Minister of Communications calling for the liberalization of terminal attachment regulation.

544. General Order 35 - Terminal Attachment, (1982) 3 CRR 2-37, Order No. R.S.P.35, April 21, 1982.
- The Board adopted several general principles governing terminal attachment to be submitted to the Minister.

545. General Order Number 36, (1984) 5 CRR 2-9, 14, January 31, 1983.
- The Board set out the terms of General Order 36, establishing the ground rules for terminal attachment in the province.

546. La Cie de Téléphone Bon Conseil Inc., (et al) (1983) 4 CRR 2-45, May 25, 1983.
- The Board considered the application of General Order 36 to several telephone companies (interconnection and resulting tariffs).

547. Québec Téléphone - Reorganization and Interconnection, (1983) 4 CRR 2-49, Order No. 9744A, June 15, 1983.

- The Board approved a method of separating monopoly from non-monopoly services and the application of General Order 36 (interconnection) to the company.

548. Télébec Ltée - Separation and Interconnection, (1983) 4 CRR 2-51, Order No. 9746A, June 15, 1983.

- The Board approved a plan whereby monopoly and non-monopoly operations would be separated and considered the application of General Order 36 (interconnection) to the company.

549. Bell Canada - Share Transfer - Télébec Ltée, (1983) 4 CRR 2-67, Order No. 9752, August 22, 1983.

- The Board permitted Bell to transfer its holding of Télébec Ltée shares to its new parent organization, BCE.

550. Re General No. 38, (1984) 5 CRR 2-38, March 8, 1984.

- The Board amended its General Order No. 36 setting out interconnection guidelines.

551. Nôtre Dame de Pontmain v. Télébec Ltée, (1984) 5 CRR 2-36, Order No. 9763A, March 29, 1984.

- The Board considered an application by a municipality for the abolition of toll charges within a municipality.
- The Board rejected the instant application but expressed interest in a new administrative process.

552. Re Sogetel Inc., (1984) 5 CRR 2-61, Order No. 84-020-A, September 21, 1984.

- The Board refused permission for the applicant to acquire shares in another telephone utility, determining that the resulting management structure would be contrary to the public interest.

553. Re Québec Téléphone and Newfoundland Telephone Company Limited, (1985) 6 CRR 2-9, Order No. 84-003-A, December 18, 1984.
- The Board approved a contract between the two companies for the exchange of traffic, but refused to approve the arbitration clause as beyond its proper powers.

554. Re Québec Téléphone, (1985) 6 CRR 2-78, Order No. 84-052-D, December 20, 1985.
- The Board rejected a claim of confidentiality by Quebec Telephone and ordered the company to submit a revised schedule of tariffs reflecting a reduction in the permitted rate of return from 15% to 12%.

555. Le Club Lions de St. Apollinaire Inc. c. Québec-Téléphone et Bell Canada, (1986) 7 CRR 2-46, August 25, 1986, No. 85-006-13
- The Board ordered Quebec-Telephone to establish regional service for subscribers in St. Apollinaire, making necessary connections with the Bell system.

556. Re Québec Téléphone, R.S.P. No. 85-15-A, November 10, 1986; R.S.P. No. 85-057-C, November 10, 1986 (Press Release of November 10, 1986), (1986) 7 CRR 2-77.
- The Board identified "excess" revenues of $28m, ordering a customer rebate of $18m and research and development investment of $10m.

557. Télébec Ltée - Revenue Requirement for 1986, R.S.P. 85-042-B, November 25, 1986
- In response to forecast revenue surplus, rate of return reduced to 13.25%.
- The company's rate of return was adjusted for the years 1986 and 1987 (to 13% and 12.5%) and the company's tariffs were adjusted by the Board.

(x) **Saskatchewan**
Saskatchewan Minister for Telephones
Saskatchewan Public Utilities Review Commission

558. Sask Tel - General Rate Increase, (1981) 2 CRR 2-239, June 29, 1981.
- Decision provides instance of process of instituting rate changes before creation of Saskatchewan Public Utilities Review Commission.

559. Saskatchewan Telecommunications - Revenue Settlement, (1983) 4 CRR 2-55, Order No. ST3-83, July 8, 1983.
- Commission ordered Sask Tel to provide a party reporting to the commission with all information pertinent to Sask Tel's participation in the revenue settlement plan.

560. Re Saskatchewan Telecommunications, (1986) 7 CRR 2-23, Decision No. ST2-86, January 27, 1986.
- Commission maintains that discontinuing a service not within its jurisdiction.
- Commission also refuses to approve "Dialpac" rate schedule, observing that schedule unduly preferential to residential subscribers.

561. Re Saskatchewan Telecommunications, (1986) 7 CRR 2-24, Decision No. ST8-86, April 23, 1986.
- Commission sets out five conditions precedent for claim for confidentiality of information (claimant to satisfy at least one).
- Onus on claimant to justify confidentiality.

562. Re Saskatchewan Telecommunication, (1986) 7 CRR 2-36, Order No. ST9-86, May 5, 1986.
- Commission granted interim approval for Sask Tel's "Dialpac" service - Sask Tel had changed conditions of eligibility, overcoming earlier "unjustified preference" objection.

563. Re Saskatchewan Telecommunications, (1986) 7 CRR 2-36, Order ST10-86, May 8, 1986.
- The Commission concluded that net income study submitted by Sask Tel was inadequate for commission purposes
- Sask Tel was directed to file modified income study and other cost and revenue oriented documentation.

564. Re Saskatchewan Telecommunication, Saskatchewan Public Utilities Review Commission, January 27, 1986, 18 Admin. L.R. 171.
- Procedural fairness - Regulatory Commission relying on advisor evidence need not make advisor available as witness where views used only to test regulated company's arguments and evidence.

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565. Alberta Government Telephones, 1971-

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571. Canadian Business Telecommunications Alliance, 1985-

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573. Canadian Satellite Communications Inc. (CanCom), 1986-

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591. Telesat Canada, 1972-

XII NEWSPAPER AND MAGAZINE ARTICLES
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Enhanced Services

472 479 624 626 627

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324 365 418 425 428 441 447 468 473 478 486 492 495 521 526 592-600

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327 480 496 622 629

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AT&T Divestiture

66 183 209 217 218 244 251 252 256 259 703-708

Future of BOCs

177 209 217 220 235 241 242 709-712

Post-Divestiture Regulation

173 177 188 189 204 209 220 230 241 248 251 252 254 260 359 702 713-716

Services Competition and Rise of MCI

183 196 203 204 222 241 242

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264 271 275 291

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693-697

Japan

115 266 268 269 688-692

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11 16 66 106 290 366 476 632

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79 117 150 261 262 263 267 272 274 276 277 299 300 301 623 629 632 659 660 698-701

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272 274 275 276 332

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45 150 240 299 338 623

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21 25 28 29 30 31 43 56 58 69 87 90 92 94 95 96 98
130 155 177 178 179 182 193 194 195 197 198 200
203 204 228 239 294 320 362 480

Économie d'information

20 36 46 47 49 53 55 80 82 218 270 311 315 360 362
377 625 640

Intégration verticale

61 175 197 203 210 297 344 421 444 449

Structure de l'industrie d'aujourd'hui

1 25 31 39 51 63 66 105 108 112 114 117 136 138
139 155 175 177 179 187 193 194 197 203 209 214
217 219 222 223 224 225 265 288 289 292 293 295
296 297 298 304 305 306 315 322 330 331 336 337
343 344 357 367 395 398 427 444 449 452 463 480
527 539 542 549 552 648 649 650 651 652 653 654
663 697 719 720 721

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17 48 155 176 179 180 185 186 192 199 203 210 227

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290 291 366

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5 6 25 50 51 56 60 64 65 67 68 71 76 81 89 91 104
108 113 123 129 130 144 145 151 156 158 159 163
164 172 282 283 284 286 311 314 328 334 340 341
416 420 431 485 553

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168 483 498

Discrimination

120 418 441 447 450 499 505 515 516 537 560 562

Étendue de la compétence réglementaire

370 374 377 387 405 435 489 494 501 504 553 556
676-687

Fondement de la réglementation

24 25 29 39 40 51 55 70 77 78 80 82 90 93 96 100
110 116 132 160 167 177 178 182 185 186 197 203
204 208 219 220 222 223 224 225 238 239 287 292
311 315

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73 84 353 381-415 430 503 504

Organismes de réglementation

22 23 24 40 41 50 72 73 78 80 99 100 102 103 111
135 153 154 155 165 169 287 292 303 345 347 349
350 351 352 354 397 435 436

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101 118 132 155 182 229 233 247 249 334a 337

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41 59 77 99 103 116 122 124 125 169 397 417 420
428 429 432 436 439 443 475 489 494 503 506 512
554 556 561 564

Qualité du service

444 461 466

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83 86 92 94 238 444 453 455 456 458 460 464 467
476 489 494 501 502 507 508 510 517 519 520 522
528 531 533 535 541 554 556 557 558 563 676-687

Représentation de l'intérêt public

18 19 38 152 422 434 512

Réseau téléphonique transcanadiens/Telecom Canada

420 424 440 454 455 484 519 522 559

Responsabilité des transporteurs

419 424 426 433

Tolérance réglementaire

12 13 94 116 478 482 500 502 509

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317 318 319 322 331 656 657

AGT

346 565 664

AT&T

173 175 176 180 183 192 199 210 227

Bell Canada

44 63 87 105 136 139 142 343 395 398 427 444 451
463 489 566 567 582 648 649 650 651 652 653 654
655 676-687

BC Tel

449 457 491 568 577 670 671

CNCP Telecommunications

446 452 480 572

edmonton Tel

485

Island Tel

423 540 574

MTS

575 666

MT&T

169 425 576

NB Tel

569 579 667 668 669

Newfoundland Tel

428 580 581

Québec Tel

547 548 549 584

Sasktel

380 586 661 665

Telecom Canada

397 424 455 589 658 662

Téléglobe - Canada

117 363 388 590 672-675

Télésat - Canada

75 103 127 141 338 424 440 455 467 482 484 493 502 591 621

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Impact des nouvelles technologies

20 27 34 37 46 47 49 53 54 55 57 70 87 114 148 155 160 167 187 190 194 270 326 330 335 474

Progrès

33 175 181 186 190 191 193 201 202 285 302 336 358 376 379 722-727

Technologie de l'informatique et de l'information

35 53 54 146 175 181 190 191 194 201 202 270 285 312 313 718

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149 179 195 197 203 465 551 633 637

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96a 97 112 149 164a 174 177 195 198 203 206 207 282 283 284 315 325 340 341 369 476 480 489 517 633 635 636 637 641 643 645 646

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52 96a 98 112 131 171 174 177 195 203 205 213 231 253 255 333 368 634 638 639 642 644

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62 69 95 98 133 174 177 178 195 197 198 203 205 220 236 237 246 333 340 341 368 370 450 476 505 513 514 537 633 635 636 637 641 645 646

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2 174 195 203 371 515

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126 442 445 448 471 477 488 497

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28 126 147 177 179 197 203 471 481 497 531 533

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4 15 142 143 203 364 464 478 481

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Participants du marché

610-620 652

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77 78 88 118 119 127 134 137 162 177 179 193 203 208 217 219 222 223 224 225 243 249 259 310 316 342 430 451 457 462 469 470 475 487 491 506 509 518 523 524 525 530 532 534 540 543 544 545 546 547 548 550

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120 179 419 423 464 481 487 652

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31 43 58 109 155 164a 178 182 193 203 209 228 243 325 480 601-609

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177 329 339 623 629 630

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3 6 7 8 9 10 14 74 101

Participants du marché

468 473 489 490 621 628

Réaction des organismes de réglementation

3 6 7 8 9 10 14 43 74 77 85 103 118 120 121 127
140 141 162 172 177 179 182 203 208 218 219 220
222 223 224 225 249 259 282 283 307 308 309 359
425 446 459 465 468 480 485 490 493 506 518 521
526 538 631

Réaction des transporteurs

120 179 418 465

Répercussion sur les tarifs locaux

56 98 112 149 174 206 207 208 221 245 282 283 284
325 359 369 480

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Services améliorés

472 479 624 626 627

Services mobiles, radio-communicateurs et radio-cellulaire

324 365 418 425 428 441 447 468 473 478 486 492
495 521 526 592-600

Revente et partage

327 480 496 622 629

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177 209 217 220 235 241 242 709-712

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183 196 203 204 222 241 242

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66 183 209 217 218 244 251 252 256 259 703-708

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173 177 188 189 204 209 220 230 241 248 251 252 254 260 359 702 713-716

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264 271 275 291

Grande-Bretagne

693-697

Japon

115 266 268 269 688-692

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Communications par satellite

45 150 240 299 338 623

Réglementation à l'échelle internationale

272 274 275 276 332

Relations Canada/États-Unis

11 16 66 106 290 366 476 632

Services et marchés internationaux

79 117 150 261 262 263 267 272 274 276 277 299 300 301 623 629 632 659 660 698-701